

Message Text

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FM AMEMBASSY MADRID
TO SECSTATE WASHDC 2676
INFO AMEMBASSY BONN
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E.O. 11652 N.A.

TAGS: PINT, SP

SUBJECT: BASQUE PARLIAMENTARIANS APPROVE "PRE-AUTONOMY"
STATUTE

REF: MADRID 7298, 7203

1. SUMMARY: WITH THE APPROVAL BY BASQUE PARLIAMENTARIANS
OF THE DRAFT PROVISIONAL AUTONOMY STATUTE, THE WAY APPEARS
TO HAVE BEEN CLEARED FOR COUNCIL OF MINISTERS APPROVAL
AND PROMULGATION OF THE STATUTE BY DECREE LAW. THE DRAFT
ESTABLISHES A REGIONAL BASQUE GOVT, THE GENERAL COUNCIL,
BUT LIKE THE SIMILAR CATALAN STATUTE, IT LEAVES TO THE
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CONSTITUTION AND THE WORK OF MIXED COMMISSIONS THE
SPECIFICATION OF THAT GOVT'S POWERS AND THE TRANSFER OF
FUNCTIONS FROM THE CENTRAL AND INDIVIDUAL PROVINCIAL
GOVTS. THE DRAFT IS ANOTHER EXTREMELY IMPORTANT STEP
TOWARD THE FULL NORMALIZATION OF THE BASQUE POLITICAL
SITUATION, ALTHOUGH BASQUE TERRORISM CONTINUES (SEPTTEL)
AND THE ISSUE OF NAVARRE'S INCORPORATION INTO THE BASQUE

REGION IS LIKELY TO REMAIN A DIVISIVE QUESTION. THE STATUTE LEAVES THE DOOR OPEN TO NAVARRE'S INTEGRATION, BUT THE PROVINCE'S EVENTUAL DECISION ON SUCH A STEP REMAINS FAR FROM CLEAR. END SUMMARY.

2. THE ASSEMBLY OF BASQUE PARLIAMENTARIANS, WITH 25 OF ITS 36 MEMBERS PRESENT, ON NOVEMBER 26 UNANIMOUSLY APPROVED THE DRAFT "PRE-AUTONOMY" STATUTE HAMMERED OUT BY REGIONS MINISTER CLAVERO AND A BASQUE NEGOTIATING TEAM CONSISTING OF AJURIAGUERRA (PNV), BENEGAS (PSOE), AND ECHEVARRIA (UCD). THE MADRID PRESS SPECULATES THAT THE STATUTE, WHICH WILL GOVERN THE RELATIONS BETWEEN MADRID AND THE BASQUE REGION DURING THE TRANSITIONAL PERIOD UNTIL THE NEW CONSTITUTION IS APPROVED, COULD BE PROMULGATED IN THE FORM OF A DECREE-LAW AFTER COUNCIL OF MINISTERS CONSIDERATION OF IT LATE THIS WEEK.

3. IN STATEMENTS TO THE PRESS FOLLOWING THEIR APPROVAL OF THE DRAFT STATUTE, VARIOUS BASQUE PARLIAMENTARIANS MADE IT CLEAR THAT, WHILE THE DOCUMENT WAS NOT EVERYTHING THEY HAD HOPED FOR, IT WAS MORE THAN ADEQUATE AS A TRANSITIONAL STATUTE. AS ONE COMMENTATOR OBSERVED, ALL MAJOR BASQUE GROUPS CLIMBED ABOARD, ALTHOUGH THEY DIFFERED AMONG THEMSELVES OVER THE LENGTH OF THE JOURNEY AND ITS ULTIMATE DESTINATION. UNLIKE THE CASE OF THE PROVISIONAL CATALAN ARRANGEMENT (REFTELS AND PREVIOUS), THE PRESIDENT OF THE LIMITED OFFICIAL USE

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BASQUE GOVT-IN-EXILE, JESUS MARIA DE LEIZAOLA, WILL NOT RETURN TO PRESIDE OVER THE NEWLY ESTABLISHED BASQUE INSTITUTIONS, AS TARRADELLAS HAS DONE IN CATALONIA. NOR, ACCORDING TO GOVT-IN-EXILE SPOKESMEN, WILL THAT GOVT BE DISSOLVED UNTIL THE PROVINCIAL ADMINISTRATIONS RESULTING FROM THE COMING MUNICIPAL ELECTIONS CALL FOR SUCH DISSOLUTION. (THIS IS THE PNV'S WAY OF REMINDING THE GOVT THAT IT IS WITHHOLDING FINAL APPROVAL OF THE AUTONOMY PROCESS. BECAUSE LEIZAOLA, WHO IS A PNV MEMBER, REMAINS IN PLACE AS GOVT-IN-EXILE PRESIDENT, THE PSOE, WHICH ADVOCATED HIS RETURN TO ASSUME THE PRESIDENCY OF THE PROVISIONAL GENERAL COUNCIL, REPORTEDLY NOW IS LOBBYING TO HAVE ONE OF ITS OWN DESIGNATED PRESIDENT OF THAT BODY, ON THE GROUNDS THAT THE SOCIALISTS ARE THE PLURALITY PARTY IN THE BASQUE REGIONS AS THE RESULT OF THE JUNE 15 ELECTIONS.)

4. OPTICALLY AT LEAST THE BASQUE STATUTE SEEMS TO GO SOMEWHAT FARTHER THAN THE CATALAN DECREE IN PROVIDING MORE EXPLICITLY THAT THE BASQUE REGIONAL GOVT WILL HAVE THE AUTHORITY TO RESOLVE THOSE MATTERS THAT AFFECT EXCLUSIVELY THE BASQUE REGION AND TO PROPOSE MEASURES TO THE MADRID GOVT. ALTHOUGH THESE DIFFERENCES SEEM TO BE MORE MATTERS

OF STYLE THAN SUBSTANCE, THE BASQUE PARLIAMENTARIANS UNDERSTANDABLY HAVE BEEN QUICK TO JUSTIFY THEIR SUPPORT FOR THE STATUTE PARTLY ON THE GROUNDS THAT IT COMPARES FAVORABLY WITH THE CATALAN DOCUMENT. HIGHLIGHTS OF THE PROPOSED DECREE-LAW FOLLOW:

5. THE GENERAL COUNCIL OF THE BASQUE COUNTRY IS THE COMMON ORGAN OF GOVT OF THE "HISTORICAL PROVINCES OR TERRITORIES," WHICH CAN FREELY DECIDE THEIR INCORPORATION. TO THIS END, THE PROVINCES OF ALAVA, GUIPUZCOA, NAVARRE, AND VIZCAYA WILL DECIDE ON THEIR INCORPORATION IN THE

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GENERAL COUNCIL THROUGH THEIR RESPECTIVE PROVINCIAL GOVTS ("JUNTAS GENERALES" IN THE CASE OF ALAVA, GUIPUZCOA AND VIZCAYA; APPROPRIATE "ORGANISMO FORAL" IN THE CASE OF NAVARRE). THE GENERAL COUNCIL ESTABLISHED HEREIN IS OF A PROVISIONAL NATURE (I.E., PENDING ELABORATION OF THE CONSTITUTION).

6. THE IMPLEMENTATION OF THE DECISIONS TAKEN BY THE GENERAL COUNCIL WILL CORRESPOND TO EACH HISTORIC TERRITORY'S PROVINCIAL GOVERNMENT. THESE GOVTS WILL BE OBLIGED TO COMPLY WITH THOSE DECISIONS, EXCEPT AS

PROVIDED BELOW IN PARA 8.

7. DURING THIS TRANSITIONAL PERIOD THE GENERAL COUNCIL
WILL BE COMPOSED OF THREE REPRESENTATIVES OF EACH
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HISTORIC TERRITORY, DESIGNATED BY THEIR RESPECTIVE
GOVTS, PLUS AN EQUAL NUMBER OF PARLIAMENTARIANS FROM
EACH PROVINCE. THE COUNCIL WILL ELECT FROM AMONG ITS
MEMBERS A PRESIDENT, FOR PURPOSES OF REPRESENTATION
(I.E., THE PRESIDENT WILL HAVE NO SPECIAL POWERS).

8. THE COUNCIL'S DECISIONS WILL BE ADOPTED BY MAJORITY
VOTE. NEVERTHELESS, EACH PROVINCE HAS THE POWER TO VETO
ANY DECISION THAT AFFECTS ITS TERRITORY THROUGH THE
REPRESENTATIVES DESIGNATED BY ITS PROVINCIAL GOVT. (THIS
VETO PROVISION CLEARLY WAS INSERTED AS A SWEETENER FOR
NAVARRE, BUT THE PRECISE MECHANISM FOR THE ARTICULATION
OF THE VETO IS LEFT UNCLEAR.)

9. THE GENERAL COUNCIL IS AUTHORIZED INTER ALIA TO:

--DECIDE ON THOSE MATTERS TRANSFERRED TO IT BY EITHER
THE CENTRAL GOVT OR THE BASQUE PROVINCIAL GOVTS.

--COORDINATE THE ACTIVITIES OF THE PROVINCIAL GOVTS
THAT ARE OF GENERAL OR COMMON INTEREST TO THE BASQUE
REGION.

--PROPOSE TO THE CENTRAL GOVT MEASURES AFFECTING
THE INTERESTS OF THE BASQUE REGION.

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10. THE ACTS OF THE GENERAL COUNCIL CAN BE SUSPENDED BY
THE CENTRAL GOVT, IN ACCORDANCE WITH EXISTING LAW. THE
GENERAL COUNCIL ITSELF CAN BE DISSOLVED BY THE CENTRAL
GOVT FOR REASONS OF STATE SECURITY (THESE PROVISIONS ARE
IDENTICAL TO THOSE CONTAINED IN THE CATALAN STATUTE).

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11. UNTIL MUNICIPAL ELECTIONS ARE HELD, THE PARLIAMENTAR-
IANS OF EACH HISTORIC TERRITORY WILL DECIDE, BY MAJORITY
VOTE, THE INCORPORATION OF THEIR RESPECTIVE PROVINCES IN
THE GENERAL COUNCIL, OR, AS THE CASE MAY BE, THE POST-
PONEMENT OF THIS DECISION UNTIL MUNICIPAL ELECTIONS HAVE

BEEN HELD. ONCE THEY HAVE TAKEN PLACE, THE FINAL DECISION ON INCORPORATION WILL CORRESPOND TO THE RESPECTIVE PROVINCIAL GOVTS, I.E., "JUNTAS GENERALES" OF ALAVA, GUIPUZCOA AND VIZCAYA AND THE COMPETENT "ORGANISMO FORAL" IN NAVARRE. UNTIL MUNICIPAL ELECTIONS ARE HELD, THE GENERAL COUNCIL WILL BE MADE UP OF FIVE REPRESENTATIVES FROM EACH HISTORIC TERRITORY THAT OPTS FOR INCORPORATION, DESIGNATED BY THE PARLIAMENTARIANS OF EACH PROVINCE, AND TAKING INTO ACCOUNT THE RESULTS OF THE JUNE 15 ELECTIONS.

12. FINALLY, THE DRAFT STATUTE PROVIDES FOR THE CREATION OF MIXED COMMISSIONS TO STUDY AND PROPOSE TO THE GOVT. MEASURES NECESSARY FOR THE REESTABLISHMENT OF THE HISTORIC SPECIAL ECONOMIC/ADMINISTRATIVE REGIMES FOR VIZCAYA AND GUIPUZCOA (WHICH WERE ABOLISHED BY FRANCO); AUTHORIZES THE GOVT, AFTER CONSULTING WITH THE GENERAL COUNCIL, TO REVISE EXISTING LEGISLATION ON THE COMPOSITION AND FORM OF ELECTION OF MEMBERS OF THE "JUNTAS GENERALES" OF VIZCAYA AND GUIPUZCOA, AND TO TAKE SIMILAR ACTION WITH RESPECT TO THE "JUNTA GENERAL" OF ALAVA AND "CONSEJO FORAL" OF NAVARRE.

13. THE DRAFT STATUTE DOES NOT TOUCH ON ONE OF THE KNOTTIEST ISSUES INVOLVED IN THE REESTABLISHMENT OF BASQUE REGIONAL GOVT, THAT OF THE ROLE, COMPOSITION, AND SUPERVISION OF THE PUBLIC ORDER FORCES. THE SUBJECT REPORTEDLY WAS SET ASIDE, FOR CONSIDERATION LATER BY A MIXED COMMISSION.

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14. COMMENT: BY GOING SO FAR AS TO INCLUDE NAVARRE AS ONE OF THE "HISTORIC" TERRITORIES OF THE BASQUE REGION, THE DRAFT STATUTE CLEARLY LEAVES THE DOOR OPEN TO THE INCORPORATION OF NAVARRE INTO THE BASQUE REGIONAL GOVT, ALTHOUGH IT BY NO MEANS GUARANTEES IT. DURING THE TRANSITIONAL PERIOD, IT APPEARS THAT NAVARRE WILL REMAIN OUTSIDE, SINCE THE MAJORITY OF THE PROVINCE'S PARLIAMENTARIANS ARE MEMBERS OF UCD WHO HAVE OPPOSED NAVARRE'S INCORPORATION (6 OF NAVARRE'S 9 PARLIAMENTARIANS--3 DEPUTIES AND 3 SENATORS-- ARE UCD MEMBERS; OF THE REMAINING 3, 2 ARE PSOE DEPUTIES AND 1 IS A PNV SENATOR). MOREOVER, THE EVENTUAL FINAL DECISION ON NAVARRE'S INTEGRATION IS CURRENTLY IMPOSSIBLE TO PREDICT. ALTHOUGH A MAJORITY OF THE PROVINCE'S VOTERS IN THE JUNE 15 ELECTIONS VOTED FOR PARTIES FAVORING LIMITED OFFICIAL USE

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INCORPORATION IN THE BASQUE REGION (UCD ELECTED 3 DEPUTIES WITH JUST OVER 30 OF THE POPULAR VOTE), POPULAR SENTIMENT IN THE PROVINCE CLEARLY IS DEEPLY DIVIDED. ACCORDING TO MADRID'S "ABC," A POLL RECENTLY COMMISSIONED BY THE GOVT'S INSTITUTE OF PUBLIC OPINION IN NAVARRE SHOWED ONLY SOME 20 OF THE POPULATION IN FAVOR OF INCORPORATION, WITH 47 OPPOSED AND 33 UNDECIDED.

--IN THIS REGARD, JOSE PEDRO PEREZ-LLORCA, THE NEWLY-ELECTED HEAD OF THE UCD PARLIAMENTARY GROUP, SAID AT LUNCH AT THE RESIDENCE NOVEMBER 29 THAT ONE POSSIBILITY, THE ONE FAVORED BY THOSE OPPOSING THE INTEGRATION OF NAVARRE, WAS TO HOLD A REFERENDUM ON THE QUESTION, BUT NOT UNTIL AFTER THE NEW CONSTITUTION WAS IN PLACE.

15. IN THE MEANTIME, THE ISSUE OF NAVARRE'S INCORPORATION IS LIKELY TO REMAIN A DIVISIVE ISSUE WITHIN THE PROVINCE, AND POSSIBLY BETWEEN BASQUE LEADERS AND THE MADRID GOVT. EVEN SO, APPROVAL BY THE BASQUE PARLIAMENTARIANS OF THE DRAFT STATUTE OBVIOUSLY IS ANOTHER EXTREMELY IMPORTANT STEP TOWARD THE NORMALIZATION OF THE POLITICAL SITUATION IN THE BASQUE PROVINCES THROUGH A CONSENSUS REDEFINITION OF THEIR RELATIONSHIP TO THE CENTRAL GOVT. END COMMENT.
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